

(b) Jury selection conducted under this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accordance with a one-step summoning and qualification procedure authorized by this section.

(Added Pub. L. 100-702, title VIII, §805(a), Nov. 19, 1988, 102 Stat. 4658; amended Pub. L. 102-572, title IV, §403(a), Oct. 29, 1992, 106 Stat. 4512.)

#### AMENDMENTS

1992—Pub. L. 102-572 substituted “Optional” for “Experimental” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Judicial Conference of the United States is hereby authorized to develop and conduct an experiment in which jurors serving in a limited number of United States district courts shall be qualified and summoned in a single procedure, in lieu of the two separate procedures otherwise provided for by this chapter. The Judicial Conference shall designate the district courts to participate in this experiment, but in no event shall the number of courts participating exceed ten. An experiment may be conducted pursuant to this section for a period not to exceed 2 years. The Judicial Conference shall ensure that an experiment conducted pursuant to this section does not violate the policies and objectives set forth in sections 1861 and 1862 of this title, and shall terminate the experiment immediately if it determines that these policies and objectives are being violated or whenever in its judgment good cause for such termination exists.

“(b) Jury selection conducted pursuant to this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accordance with an experiment conducted pursuant to this section.”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

#### SAVINGS PROVISION

Section 403(c) of Pub. L. 102-572 provided that: “For courts participating in the experiment authorized under section 1878 of title 28, United States Code (as in effect before the effective date of this section [Jan. 1, 1993]), the amendment made by subsection (a) of this section [amending this section] shall be effective on and after January 1, 1992.”

### CHAPTER 123—FEES AND COSTS

Sec.	
1911.	Supreme Court.
1912.	Damages and costs on affirmance.
1913.	Courts of appeals.
1914.	District court; filing and miscellaneous fees; rules of court.
1915.	Proceedings in forma pauperis.
1915A.	Screening.
1916.	Seamen's suits.
1917.	District courts; fee on filing notice of or petition for appeal.
1918.	District courts; fines, forfeitures and criminal proceedings.
1919.	Dismissal for lack of jurisdiction.
1920.	Taxation of costs.
1921.	United States marshal's fees.
1922.	Witness fees before United States commissioners.

Sec.	
1923.	Docket fees and costs of briefs.
1924.	Verification of bill of costs.
1925.	Admiralty and maritime cases.
1926.	Court of Federal Claims.
1927.	Counsel's liability for excessive costs.
1928.	Patent infringement action; disclaimer not filed.
1929.	Extraordinary expenses not expressly authorized.
1930.	Bankruptcy fees.
1931.	Disposition of filing fees.
1932. <sup>1</sup>	Judicial Panel on Multidistrict Litigation.
1932. <sup>1</sup>	Revocation of earned release credit.

#### AMENDMENTS

1996—Pub. L. 104-317, title IV, §403(a)(2), Oct. 19, 1996, 110 Stat. 3854, added item 1932 “Judicial Panel on Multidistrict Litigation”.

Pub. L. 104-134, title I, §101[(a)] [title VIII, §§805(b), 809(b)], Apr. 26, 1996, 110 Stat. 1321, 1321-75, 1321-76; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, added item 1915A and item 1932 “Revocation of earned release credit”.

1992—Pub. L. 102-572, title IX, §§902(b)(2), 908(b)(2), Oct. 29, 1992, 106 Stat. 4516, 4519, substituted “Dismissal” for “District courts; dismissal” in item 1919 and “Court of Federal Claims” for “Claims Court” as item 1926.

1988—Pub. L. 100-702, title X, §1020(a)(8), Nov. 19, 1988, 102 Stat. 4672, substituted “court” for “courts” after “District” in item 1914.

1986—Pub. L. 99-500, §101(b) [title IV, §407(d)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(d)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64, added item 1931.

1984—Pub. L. 98-353, title I, §111(c), July 10, 1984, 98 Stat. 343, substituted “fees” for “courts” in item 1930. Notwithstanding directory language that the amendment be made to the table of sections for chapter 125 of this title, the amendment was executed to the table of sections for chapter 123 of this title to reflect the probable intent of Congress.

1982—Pub. L. 97-164, title I, §139(p)(2), Apr. 2, 1982, 96 Stat. 44, substituted “Claims Court” for “Court of Customs and Patent Appeals” in item 1926.

1978—Pub. L. 95-598, title II, §246(b), Nov. 6, 1978, 92 Stat. 2672, added item 1930.

#### CROSS REFERENCES

Jury fees, see section 1871 of this title.

Witnesses, fees and subsistence, see section 1821 et seq. of this title.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 11 sections 507, 707, 1112, 1208, 1225, 1307, 1325; title 26 section 1398.

### § 1911. Supreme Court

The Supreme Court may fix the fees to be charged by its clerk.

The fees of the clerk, cost of serving process, and other necessary disbursements incidental to any case before the court, may be taxed against the litigants as the court directs.

(June 25, 1948, ch. 646, 62 Stat. 954.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §330 (Mar. 3, 1911, ch. 231, §223, 36 Stat. 1153).

The second paragraph was inserted to give statutory sanction to existing practice.

Changes were made in phraseology.

#### RULES OF THE SUPREME COURT

Fees to be charged pursuant to this section, see rule 38, Appendix to this title.

<sup>1</sup> So in original. Two sections 1932 have been enacted.

## CROSS REFERENCES

Payment by clerk into Treasury of all fees, costs, and emoluments, see section 671 of this title.

**§ 1912. Damages and costs on affirmance**

Where a judgment is affirmed by the Supreme Court or a court of appeals, the court in its discretion may adjudge to the prevailing party just damages for his delay, and single or double costs.

(June 25, 1948, ch. 646, 62 Stat. 954.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 878, and section 1141(c)(4) of title 26 U.S.C., 1940 ed., Internal Revenue Code (R.S. § 1010; Mar. 3, 1911, ch. 231, §§ 117, 289, 36 Stat. 1131, 1167; Feb. 10, 1939, ch. 2, § 1141(c)(4), 53 Stat. 165).

Section consolidates section 878 of title 28 with section 1141(c)(4) of title 26, both U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Words “prevailing party” were substituted for “the respondents in error,” contained in said section 878 of title 28, since writs of error have been abolished.

## SENATE REVISION AMENDMENT

By Senate amendment, all provisions relating to the Tax Court were eliminated. Therefore, section 1141(c)(4) of Title 26, U.S.C., Internal Revenue Code, was not one of the sources of this section as finally enacted. However, no change in the text of this section was necessary. See 80th Congress Senate Report No. 1559.

## RULES OF THE SUPREME COURT

Interest and damages, see rule 42, Appendix to this title.

## CROSS REFERENCES

Damages and costs in Courts of Appeals, see rules of the various Courts of Appeals.

**§ 1913. Courts of appeals**

The fees and costs to be charged and collected in each court of appeals shall be prescribed from time to time by the Judicial Conference of the United States. Such fees and costs shall be reasonable and uniform in all the circuits.

(June 25, 1948, ch. 646, 62 Stat. 954.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 543 (Mar. 3, 1891, ch. 517, § 2, 26 Stat. 826; Feb. 19, 1897, ch. 263, 29 Stat. 536; Sept. 27, 1944, ch. 413, 58 Stat. 743).

Words “and in the United States Circuit Court of Appeals for the District of Columbia” were omitted as covered by “each court of appeals.”

Judicial Conference of Senior Circuit Judges was changed to Judicial Conference “of the United States” in conformity with section 331 of this title.

Changes were made in phraseology.

## COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Pub. L. 102-140, title III, § 303, Oct. 28, 1991, 105 Stat. 810, as amended by Pub. L. 104-317, title IV, § 403(b), Oct. 19, 1996, 110 Stat. 3854, provided that:

“(a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, 1930, and 1932 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to

such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

“(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 101-515, title IV, § 404, Nov. 5, 1990, 104 Stat. 2132.

## COURT OF APPEALS FEE SCHEDULE

(Effective April 1, 1996)

Following are fees to be charged for services to be performed by clerks of the courts of appeals. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4, and 13. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

(1) For docketing a case on appeal or review, or docketing any other proceeding, \$100. A separate fee shall be paid by each party filing a notice of appeal in the district court, but parties filing a joint notice of appeal in the district court are required to pay only one fee. A docketing fee shall not be charged for the docketing of an application for the allowance of an interlocutory appeal under 28 U.S.C. § 1292(b), unless the appeal is allowed.

(2) For every search of the records of the court and certifying the results thereof, \$15.

(3) For certifying any document or paper, whether the certification is made directly on the document, or by separate instrument, \$5.

(4) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records.

(5) For reproduction of the magnetic tape recordings, either cassette or reel-to-reel, \$15 including the cost of materials.

(6) For reproduction of the record in any appeal in which the requirement of an appendix is dispensed with by any court of appeals pursuant to Rule 30(f), F.R.A.P., a flat fee of \$25.

(7) For each microfiche or microfilm copy of any court record, where available, \$3.

(8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$25.

(9) For a check paid into the court which is returned for lack of funds, \$25.

(10) Fees to be charged and collected for copies of opinions shall be fixed, from time to time, by each court, commensurate with the cost of printing.

(11) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.

(12) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

(13) For usage of electronic access to court data, 60 cents per minute of usage [provided the court may, for

good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Automation Fund. This fee shall apply to the United States. (The Judicial Conference has approved an advisory note clarifying the judiciary's policy with respect to exemptions from this fee.)

#### CROSS REFERENCES

Fees and costs, see rules of the various Courts of Appeals.

Power of Judicial Conference of the United States, see section 331 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2077 of this title.

### § 1914. District court; filing and miscellaneous fees; rules of court

(a) The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$150, except that on application for a writ of habeas corpus the filing fee shall be \$5.

(b) The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.

(c) Each district court by rule or standing order may require advance payment of fees.

(June 25, 1948, ch. 646, 62 Stat. 954; Pub. L. 95-598, title II, §244, Nov. 6, 1978, 92 Stat. 2671; Pub. L. 99-336, §4(a), June 19, 1986, 100 Stat. 637; Pub. L. 99-500, §101(b) [title IV, §407(a)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(a)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; Pub. L. 104-317, title IV, §401(a), Oct. 19, 1996, 110 Stat. 3853.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§549, 553 and 555 (R.S. §828; June 28, 1902, ch. 1301, §1, 32 Stat. 476; Feb. 11, 1925, ch. 204, §§2, 6, 8, 43 Stat. 857, 858; Jan. 22, 1927, ch. 50, §2, 44 Stat. 1023; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Mar. 3, 1942, ch. 124, §2, 56 Stat. 122; Sept. 27, 1944, ch. 414, §§1, 4, 5, 58 Stat. 743, 744).

Section consolidates sections 549, 553, and 555 of title 28, U.S.C., 1940 ed., as amended with necessary changes of phraseology.

The phrase "filing fee" was substituted for the inconsistent and misleading words of sections 549 and 553 of title 28, U.S.C., 1940 ed., "as full payment for all services to be rendered by the clerk" etc. thus removing the necessity for including exceptions and referring to other sections containing provisions for additional fees.

The provision in section 549 of title 28, U.S.C., 1940 ed., for payment of fees by the parties instituting criminal proceedings by indictment or information, was omitted. Such proceedings are instituted only by the United States from which costs cannot be exacted.

The provision in section 549 of title 28, U.S.C., 1940 ed., for taxation of fees as costs, was omitted as covered by section 1920 of this title.

Words "or appeal from a deportation order of a United States Commissioner" in section 553 of title 28, U.S.C., 1940 ed., were omitted as obsolete since repeal of the Chinese Exclusion Act by act Dec. 17, 1943, ch. 344, §1, 57 Stat. 600. Appeal was formerly conferred by section 282 of title 8, U.S.C., 1940 ed., Aliens and Nationality.

Subsection (d) excepting the District of Columbia, was added to preserve the existing schedule of fees prescribed by section 11-1509 of the District of Columbia Code, 1940 ed.

#### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-317 substituted "\$150" for "\$120".

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591 substituted "\$120" for "\$60".

Subsec. (d). Pub. L. 99-336 struck out subsec. (d) which provided that section was not applicable to District of Columbia.

1978—Subsec. (a). Pub. L. 95-598 substituted "\$60" for "\$15".

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 401(c) of Pub. L. 104-317 provided that: "This section [amending this section and section 1931 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 19, 1996]."

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 4(c) of Pub. L. 99-336 provided that: "The amendments made by this section [amending this section] shall apply with respect to any civil action, suit, or proceeding instituted on or after the date of the enactment of this Act [June 19, 1986]."

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

#### COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to information available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

#### DISTRICT COURT MISCELLANEOUS FEE SCHEDULE

(Effective January 1, 1998)

Following are fees to be charged for services to be performed by clerks of the district courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4, and 14. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. §3006A, and Bankruptcy Administrator programs.

(1) For filing or indexing any paper not in a case or proceeding for which a case filing fee has been paid, \$20. This fee is applicable to the filing of a petition to perpetuate testimony, Rule 27(a), Federal Rules of Civil Procedure, the filing of papers by trustees under 28 U.S.C. §754, the filing of letters rogatory or letters of request, and registering of a judgment from another district pursuant to 28 U.S.C. §1963.

(2) For every search of the records of the district court conducted by the clerk of the district court or a deputy clerk, \$15 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

(3) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$5. For exemplification of any document or paper, twice the amount of the fee for certification.

(4) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee

shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

(5) For reproduction of magnetic tape recordings, either cassette or reel-to-reel, \$15 including the cost of materials.

(6) Repealed.

(7) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$3.

(8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$25.

(9) For a check paid into the court which is returned for lack of funds, \$25.

(10) For an appeal to a district judge from a judgment of conviction by a magistrate in a misdemeanor case, \$25.

(11) For original admission of attorneys to practice, \$50 each, including a certificate of admission. For a duplicate certificate of admission or certificate of good standing, \$15.

(12) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.

(13) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

(14) For usage of electronic access to court data, 60 cents per minute of usage [provided the court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Automation Fund. This fee shall apply to the United States. (The Judicial Conference has approved an advisory note clarifying the judiciary's policy with respect to exemptions from this fee.)

(15) For filing an action brought under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114, 110 Stat. 785 (1996), \$4180. (This fee is in addition to the filing fee prescribed in 28 U.S.C. 1914(a) for instituting any civil action other than a writ of habeas corpus.)

#### CROSS REFERENCES

Advance payment of fees, see local rules of the various district courts.

Appeal of certiorari, fee on filing notice of or petition, or upon receipt of order allowing, or notice of allowance of, see section 1917 of this title.

Exemption of United States from payment of fees, see section 2412 of this title.

Payment by clerk into Treasury of all fees, costs and other moneys collected, see section 751 of this title.

Power of Judicial Conference of the United States, see section 331 of this title.

Reporter's fee for copy of transcript, see section 753 of this title.

Taxation of costs, see section 1920 of this title.

In admiralty and maritime cases, see section 1925 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1930, 1931, 2412 of this title; title 11 section 330.

### § 1915. Proceedings in forma pauperis

(a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay

such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

(3) An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

(A) the average monthly deposits to the prisoner's account; or

(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.

(c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

(d) The officers of the court shall issue and serve all process, and perform all duties in such

cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(e)(1) The court may request an attorney to represent any person unable to afford counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(A) the allegation of poverty is untrue; or

(B) the action or appeal—

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

(f)(1) Judgment may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.

(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

(h) As used in this section, the term “prisoner” means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(June 25, 1948, ch. 646, 62 Stat. 954; May 24, 1949, ch. 139, §98, 63 Stat. 104; Oct. 31, 1951, ch. 655, §51(b), (c), 65 Stat. 727; Pub. L. 86–320, Sept. 21, 1959, 73 Stat. 590; Pub. L. 96–82, §6, Oct. 10, 1979, 93 Stat. 645; Pub. L. 104–134, title I, §101[(a)] [title VIII, §804(a), (c)–(e)], Apr. 26, 1996, 110 Stat. 1321, 1321–73 to 1321–75; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 28, U.S.C., 1940 ed., §§9a(c)(e), 832, 833, 834, 835, and 836 (July 20, 1892, ch. 209, §§1–5, 27 Stat. 252; June 25, 1910, ch. 435, 36 Stat. 866; Mar. 3, 1911, ch. 231, §5a, as added Jan. 20, 1944, ch. 3, §1, 58 Stat. 5; June 27, 1922, ch. 246, 42 Stat. 666; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54).

Section consolidates a part of section 9a(c)(e) with sections 832–836 of title 28, U.S.C., 1940 ed.

For distribution of other provisions of section 9a of title 28, U.S.C., 1940 ed., see Distribution Table.

Section 832 of title 28, U.S.C., 1940 ed., was completely rewritten, and constitutes subsections (a) and (b).

Words “and willful false swearing in any affidavit provided for in this section or section 832 of this title, shall be punishable as perjury as in other cases,” in section 833 of title 28, U.S.C., 1940 ed., were omitted as covered by the general perjury statute, title 18, U.S.C., 1940 ed., §231 (H.R. 1600, 80th Cong., sec. 1621).

A proviso in section 836 of title 28, U.S.C., 1940 ed., that the United States should not be liable for costs was deleted as covered by section 2412 of this title.

The provision in section 9a(e) of title 28, U.S.C., 1940 ed., respecting stenographic transcripts furnished on appeals in civil cases is extended by subsection (b) of the revised section to include criminal cases. Obviously it would be inconsistent to furnish the same to a poor person in a civil case involving money only and to deny it in a criminal proceeding where life and liberty are in jeopardy.

The provision of section 832 of title 28, U.S.C., 1940 ed., for payment when authorized by the Attorney General was revised to substitute the Director of the Administrative Office of the United States Courts who now disburses such items.

Changes in phraseology were made.

##### 1949 ACT

This amendment clarifies the meaning of subsection (b) of section 1915 of title 28, U.S.C., and supplies, in subsection (e) of section 1915, an inadvertent omission to make possible the recovery of public funds expended in printing the record for persons successfully suing in forma pauperis.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(1)], designated first paragraph as par. (1), substituted “Subject to subsection (b), any” for “Any”, struck out “and costs” after “of fees”, substituted “submits an affidavit that includes a statement of all assets such prisoner possesses” for “makes affidavit”, substituted “such fees” for “such costs”, substituted “the person” for “he” in two places, added par. (2), and designated last paragraph as par. (3).

Subsec. (b). Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(3)], added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(2), (4)], redesignated subsec. (b) as (c) and substituted “subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)” for “subsection (a) of this section”. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(2)], redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(5)], amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.”

Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(2)], redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104–134, §101[(a)] [title VIII, §804(a)(2), (c)], redesignated subsec. (e) as (f), designated existing provisions as par. (1) and substituted “proceedings” for “cases”, and added par. (2).

Subsec. (g). Pub. L. 104–134, §101[(a)] [title VIII, §804(d)], added subsec. (g).

Subsec. (h). Pub. L. 104–134, §101[(a)] [title VIII, §804(e)], added subsec. (h).

1979—Subsec. (b). Pub. L. 96–82 substituted “Upon the filing of an affidavit in accordance with subsection (a) of this section, the court may direct payment by the

United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title” and “Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts” for “In any civil or criminal case the court may, upon the filing of a like affidavit, direct that the expense of printing the record on appeal, if such printing is required by the appellate court, be paid by the United States, and the same shall be paid when authorized by the Director of the Administrative Office of the United States Courts”.

1959—Subsec. (a). Pub. L. 86-320 substituted “person” for “citizen”.

1951—Subsec. (b). Act Oct. 31, 1951, struck out “furnishing a stenographic transcript and” after “expense of”.

Subsec. (e). Act Oct. 31, 1951, inserted provision that the United States shall not be liable for any of the costs incurred.

1949—Subsec. (b). Act May 24, 1949, §98(a), inserted “such printing is” between “if” and “required”.

Subsec. (e). Act May 24, 1949, §98(b), inserted “or printed record” after “stenographic transcript”.

#### CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

#### FEDERAL RULES OF CIVIL PROCEDURE

Default judgment, see rule 55, Appendix to this title.

#### CROSS REFERENCES

Fair housing, enforcement by private persons in Federal or State courts without payment of fees, costs, or security, see section 3613 of Title 42, The Public Health and Welfare.

Reporters for United States District Court, see section 753 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1930, 2503 of this title; title 10 section 867a; title 11 section 523; title 18 section 3006A.

### § 1915A. Screening

(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

(2) seeks monetary relief from a defendant who is immune from such relief.

(c) DEFINITION.—As used in this section, the term “prisoner” means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the

terms and conditions of parole, probation, pretrial release, or diversionary program.

(Added Pub. L. 104-134, title I, §101[(a)] [title VIII, §805(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-75; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

### § 1916. Seamen's suits

In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefor.

(June 25, 1948, ch. 646, 62 Stat. 955.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §837 (June 12, 1917, ch. 27, §1, 40 Stat. 157; July 1, 1918, ch. 113, §1, 40 Stat. 683).

Changes in phraseology were made.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1921 of this title.

### § 1917. District courts; fee on filing notice of or petition for appeal

Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or of a writ of certiorari \$5 shall be paid to the clerk of the district court, by the appellant or petitioner.

(June 25, 1948, ch. 646, 62 Stat. 955.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §552 (Feb. 11, 1925, ch. 204, §5, 43 Stat. 857; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Sept. 27, 1944, ch. 414, §3, 58 Stat. 744).

Words “to the clerk of the district court” were added to clarify the intent of Congress, as shown by the title of the 1944 act containing this section, and by the text of such Act in its entirety.

Words “as an additional fee in said suit or action, or proceeding in bankruptcy” were omitted. The entire text of the basic 1944 act shows that Congress intended it to apply to all actions, suits and proceedings, including bankruptcy proceedings, and nowhere else in such act is any reference made to bankruptcy proceedings.

Changes were made in phraseology.

### § 1918. District courts; fines, forfeitures and criminal proceedings

(a) Costs shall be included in any judgment, order, or decree rendered against any person for the violation of an Act of Congress in which a civil fine or forfeiture of property is provided for.

(b) Whenever any conviction for any offense not capital is obtained in a district court, the court may order that the defendant pay the costs of prosecution.

(June 25, 1948, ch. 646, 62 Stat. 955.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §822 (R.S. §974).

Changes were made in phraseology.

#### CROSS REFERENCES

Docket fees and costs of briefs, see notes under section 1923 of this title.

Particular items taxable as costs, see section 1920 of this title and notes thereto.

Witness fees, see notes under sections 1821 and 1825 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 21 section 844.

### § 1919. Dismissal for lack of jurisdiction

Whenever any action or suit is dismissed in any district court, the Court of International Trade, or the Court of Federal Claims for want of jurisdiction, such court may order the payment of just costs.

(June 25, 1948, ch. 646, 62 Stat. 955; Pub. L. 96-417, title V, § 510, Oct. 10, 1980, 94 Stat. 1743; Pub. L. 102-572, title IX, § 908(a), (b)(1), Oct. 29, 1992, 106 Stat. 4519.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 80 (Mar. 3, 1911, ch. 231, § 37, 36 Stat. 1098).

Words “dismissed for want of jurisdiction” were substituted for “it shall appear to the satisfaction of the said district court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said district court”. The substituted language is sufficient. (See reviser’s note under section 1359 of this title.) The provisions of section 80 of title 28, U.S.C., 1940 ed., relating to dismissal for improper or collusive joinder in removal proceedings, are incorporated in section 1359 of this title. Other provisions of section 80 of title 28, U.S.C., 1940 ed., appear in section 1447 of this title.

Changes were made in phraseology.

#### AMENDMENTS

1992—Pub. L. 102-572 substituted “Dismissal” for “District courts; dismissal” in section catchline and inserted reference to Court of Federal Claims in text.

1980—Pub. L. 96-417 included dismissals in Court of International Trade for want of jurisdiction.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(E) of Pub. L. 96-417, set out as a note under section 251 of this title.

### § 1920. Taxation of costs

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

(June 25, 1948, ch. 646, 62 Stat. 955; Pub. L. 95-539, § 7, Oct. 28, 1978, 92 Stat. 2044.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 9a(a) and 830 (R.S. § 983; Mar. 3, 1911, ch. 231, § 5a, as added Jan. 20, 1944, ch. 3, § 1, 58 Stat. 5).

For distribution of other provisions of section 9a of title 28, U.S.C., 1940 ed., see table at end of reviser’s notes.

Word “may” was substituted for “shall” before “tax as costs,” in view of Rule 54(d) of the Federal Rules of Civil Procedure, providing for allowance of costs to the prevailing party as of course “unless the court otherwise directs”.

Changes were made in phraseology.

#### AMENDMENTS

1978—Par. (6). Pub. L. 95-539 added par. (6).

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-539 effective Oct. 28, 1978, see section 10(a) of Pub. L. 95-539, set out as a note under section 602 of this title.

#### FEDERAL RULES OF CIVIL PROCEDURE

Costs allowed to prevailing party, see rule 54, Appendix to this title.

Costs of previously dismissed action, see rule 41.

Motion for retaxation of costs by clerk in civil actions, see rule 54.

Offer of judgment affecting costs, see rule 68.

Taxation of costs in civil actions by clerk, see rule 54.

United States agencies, and officers, liability for fees and costs, see rule 54.

#### CROSS REFERENCES

Authority to administer oaths, see section 2903 of Title 5, Government Organization and Employees.

Costs, denial of to plaintiff where plaintiff recovers less than \$10,000, see section 1332 of this title.

Definition of “court of the United States,” see section 451 of this title.

Exemption of United States for costs except where statute permits taxation, see section 2412 of this title.

Fees and costs in admiralty and maritime cases, see section 1925 of this title.

Marshal’s fees, see section 1921 of this title.

Per diem, mileage and subsistence of witnesses, see notes under section 1821 of this title.

Reporter’s transcript, fees for, see section 753 of this title.

Taxation of costs in fine, forfeiture and criminal proceedings, see section 1918 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 2412, 2503 of this title; title 21 section 844.

### § 1921. United States marshal’s fees

(a)(1) The United States marshals or deputy marshals shall routinely collect, and a court may tax as costs, fees for the following:

(A) Serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, complaints, or any other writ, order or process in any case or proceeding.

(B) Serving a subpoena or summons for a witness or appraiser.

(C) Forwarding any writ, order, or process to another judicial district for service.

(D) The preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale.

(E) The keeping of attached property (including boats, vessels, or other property at-

tached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate, including overtime, for each deputy marshal required for special services, such as guarding, inventorying, and moving.

(F) Copies of writs or other papers furnished at the request of any party.

(G) Necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor.

(H) Overtime expenses incurred by deputy marshals in the course of serving or executing civil process.

(2) The marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under paragraph (1)(E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

(3) For purposes of paragraph (1)(G), if two or more services or endeavors, or if an endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding thereto any additional mileage traveled in serving or endeavoring to serve in behalf of the party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

(b) The Attorney General shall from time to time prescribe by regulation the fees to be taxed and collected under subsection (a). Such fees shall, to the extent practicable, reflect the actual and reasonable cost of the service provided.

(c)(1) The United States Marshals Service shall collect a commission of 3 percent of the first \$1,000 collected and 1½ percent on the excess of any sum over \$1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of commission shall be within the range set by the Attorney General. if<sup>1</sup> the property is not disposed of by marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than a marshal or deputy marshal, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to any judicially ordered sale or execution sale, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law. This subsection shall not apply to any seizure, forfeiture, sale, or other disposition

of property pursuant to the applicable provisions of law amended by the Comprehensive Forfeiture Act of 1984 (98 Stat. 2040).

(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commission collected under paragraph (1).

(d) The United States marshals may require a deposit to cover the fees and expenses prescribed under this section.

(e) Notwithstanding section 3302 of title 31, the United States Marshals Service is authorized, to the extent provided in advance in appropriations Acts—

(1) to credit to such Service's appropriation all fees, commissions, and expenses collected by such Service for—

(A) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

(B) seizures, levies, and sales associated with judicial orders of execution; and

(2) to use such credited amounts for the purpose of carrying out such activities.

(June 25, 1948, ch. 646, 62 Stat. 955; Sept. 9, 1950, ch. 937, 64 Stat. 824; Pub. L. 87-621, § 1, Aug. 31, 1962, 76 Stat. 417; Pub. L. 99-646, § 39(a), Nov. 10, 1986, 100 Stat. 3600; Pub. L. 100-690, title VII, § 7608(c), Nov. 18, 1988, 102 Stat. 4515; Pub. L. 101-647, title XII, § 1212, Nov. 29, 1990, 104 Stat. 4833.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 574 (R.S. §§ 823, 829; May 28, 1896, ch. 252, § 6, 29 Stat. 179; May 29, 1930, ch. 356, 46 Stat. 486; Aug. 3, 1935, ch. 431, § 2, 49 Stat. 513).

Provisions for serving venire and summoning grand and petit jurors were omitted as useless since marshal's fees are now covered into the Treasury and there is no basis for apportioning the cost of summoning jurors for a term of court and taxing the same to individual cases.

The marshal's fee "for holding a court of inquiry or other proceedings before a jury, including summoning a jury, \$5" is omitted as obsolete in the Federal practice. See, Black's Law Dictionary "Court of Inquiry." See, also, Webster's International Dictionary.

A fee of 50 cents "for each bail bond" is omitted as covered by the general provision for taxation of marshal's fees in criminal cases.

The provisions for a fee of \$5 for drawing and executing a deed and \$1 for executing a deed prepared by a party or his attorney are omitted as unnecessary. It is the marshal's duty to execute conveyances of property which he sells on execution and his salary compensates him therefor. There is no occasion for him to draw such a deed and no beneficial purpose in taxing the parties a fee for his signature.

The 2 per centum fee for disbursing moneys is omitted as an unnecessary burden upon funds belonging to litigants.

The provision that a folio consists of "100 words or major fraction thereof" is inserted to conform with section 607 of title 28, U.S.C., 1940 ed., which is transferred to title 44, U.S.C., 1940 ed., Public Printing and Documents, along with section 606 of said title 28, to which said section 607 also relates.

The provision for a lump sum to be determined by the court and taxed in criminal cases was added. It fixes a maximum of \$25 in misdemeanor cases and \$100 in felony cases. It may be questioned whether costs as such should ever be taxed against the convicted defendant in a criminal case. The acquitted defendant is not permitted to tax costs against the United States. Indeed the allowance of costs in criminal cases is not a matter

<sup>1</sup> So in original. Probably should be capitalized.



of right but rests completely within the discretion of the court. *Morris v. United States*, 1911, 185 Fed. 73, 107 C.C.A. 293.

In *Alberty v. U.S.*, C.C.A.9, 1937, 91 F.2d 461, the defendant was fined \$100 on each of 11 accounts of an indictment under the 1906 Food and Drug Act (title 21, §§ 2, 10, U.S.C., 1934 ed., as amended). Costs of prosecution were taxed in the sum of \$1,499.80. Yet the court in its discretion might have reached substantially the same result by imposing a fine of \$200 on each count without any taxation of costs.

Changes were made in phraseology.

#### REFERENCES IN TEXT

The Comprehensive Forfeiture Act of 1984, referred to in subsec. (c)(1), is chapter III of title II of Pub. L. 98-473, Oct. 12, 1984, 98 Stat. 2040, as amended. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 1961 of Title 18, Crimes and Criminal Procedure, and Tables.

#### AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-647 substituted “if the property is not disposed of by marshal’s sale” for “If the property is to be disposed of by marshal’s sale”.

1988—Pub. L. 100-690 added subsecs. (a) to (d), struck out former subsecs. (a) and (b), and redesignated former subsec. (c) as (e).

1986—Pub. L. 99-646 designated existing provisions as subsec. (a) with pars. (1) to (9) and subsec. (b) with pars. (1) and (2), substituted a period for the semicolon at end of each par., and added subsec. (c).

1962—Pub. L. 87-621 increased fees for serving an attachment in rem, or libel in admiralty, warrant, attachment, summons, capias, or any other writ from \$2 to \$3, for serving a subpoena or summons for a witness or appraiser from 50 cents to \$2, for preparation of a proclamation in admiralty from 30 cents to \$3, and for copies of writs or other papers furnished at the request of any party from 10 to 30 cents per folio of 100 words or fraction thereof, and mileage for necessary travel from 10 cents a mile to 12 cents per mile, or fraction thereof, inserted provisions authorizing a fee of \$1, in addition to the prescribed fee, for forwarding any writ, order, or process to another judicial district for service, and \$3 for preparation of any notice of sale or other public notice or bill of sale, permitting payment of travel expenses where there is an endeavor to serve any process, writ, or order, prohibiting collection of mileage fees for services or endeavors to serve in the District of Columbia, and empowering marshals to require a deposit to cover all fees and expenses, and substituted provisions authorizing a fee of \$3 for serving a writ of possession, partition, execution, order or process, and commissions of 3 per centum on the first \$1,000 collected and 1½ per centum on amounts over \$1,000 for seizing and levying on property (including seizures in admiralty), disposing of the same and receiving and paying over the money for provisions which permitted a marshal serving such a writ or process, and seizing and levying on property, advertising and disposing of the same and receiving and paying over the money, to receive the same fees and poundage as allowed for similar services to the sheriffs of the States in which the service is rendered, and 2½ per centum on any sum under \$500, and 1½ per centum on amounts over \$500 for sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and provisions permitting collection of actual expenses incurred, and \$3 per hour for each deputy marshal required, for the keeping of property attached, and directing the marshal to collect, in advance, a deposit to cover initial expenses and periodically thereafter such amounts as necessary to pay expenses until litigation is concluded, for provisions which allowed only such compensation as the court, on petition, might allow.

1950—Act Sept. 9, 1950, increased mileage fees from 6 to 10 cents a mile.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 39(b) of Pub. L. 99-646 provided that: “The amendments made by this section [amending this section] shall take effect 30 days after the date of enactment of this Act [Nov. 10, 1986].”

#### EFFECTIVE DATE OF 1962 AMENDMENT

Section 3 of Pub. L. 87-621 provided that: “This Act [amending this section] shall become effective ninety days after enactment [Aug. 31, 1962].”

#### COLLECTION AND DISPOSITION OF FEES AND EXPENSES FOR SERVICES

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 997, provided in part: “That notwithstanding the provisions of title 31 U.S.C. 3302, for fiscal year 1990 and hereafter the Director of the United States Marshals Service may collect fees and expenses for the services authorized by 28 U.S.C. 1921 as amended by Public Law 100-690, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services”.

#### FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Appendix to this title.

Proceeds of sales under admiralty process, see rule E.

#### CROSS REFERENCES

Collection of fees and accounting by marshal, see section 567 of this title.

Execution of all lawful writs and process, see section 566 of this title.

Power of State sheriff, see section 564 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 3711.

### § 1922. Witness fees before United States commissioners

The fees of more than four witnesses shall not be taxed against the United States, in the examination of any criminal case before a United States commissioner, unless their materiality and importance are first approved and certified to by the United States attorney for the district in which the examination is had.

(June 25, 1948, ch. 646, 62 Stat. 956.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 828 (R.S. § 981; May 28, 1896, ch. 252, § 19, 29 Stat. 184).

Last clause of section 828 of title 28, U.S.C., 1940 ed., providing “and such taxation shall be subject to revision, as in other cases” was omitted as unnecessary in view of the inherent power of the court to revise costs taxed.

Changes were made in phraseology.

#### CHANGE OF NAME

Reference to United States commissioners deemed to be reference to United States magistrates pursuant to Pub. L. 90-578, title IV, § 402, Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of this title.

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

#### CROSS REFERENCES

Compensation of United States magistrate judges, see section 634 of this title.

Liability of United States for costs, see section 2412 of this title.

### § 1923. Docket fees and costs of briefs

(a) Attorney's and proctor's docket fees in courts of the United States may be taxed as costs as follows:

\$20 on trial or final hearing (including a default judgment whether entered by the court or by the clerk) in civil, criminal, or admiralty cases, except that in cases of admiralty and maritime jurisdiction where the libellant recovers less than \$50 the proctor's docket fee shall be \$10;

\$20 in admiralty appeals involving not over \$1,000;

\$50 in admiralty appeals involving not over \$5,000;

\$100 in admiralty appeals involving more than \$5,000;

\$5 on discontinuance of a civil action;  
\$5 on motion for judgment and other proceedings on recognizances;

\$2.50 for each deposition admitted in evidence.

(b) The docket fees of United States attorneys and United States trustees shall be paid to the clerk of court and by him paid into the Treasury.

(c) In admiralty appeals the court may allow as costs for printing the briefs of the successful party not more than:

\$25 where the amount involved is not over \$1,000;

\$50 where the amount involved is not over \$5,000;

\$75 where the amount involved is over \$5,000.

(June 25, 1948, ch. 646, 62 Stat. 956; June 18, 1954, ch. 304, 68 Stat. 253; Pub. L. 95-598, title II, § 245, Nov. 6, 1978, 92 Stat. 2671.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 571, 572, and 578 (R.S. §§ 823, 824; May 28, 1896, ch. 252, §§ 6, 24, 29 Stat. 179, 186; Feb. 26, 1919, ch. 49, § 1, 40 Stat. 1182; July 19, 1919, ch. 24, § 1, 41 Stat. 209; Feb. 11, 1921, ch. 46, 41 Stat. 1099; June 6, 1930, ch. 409, 46 Stat. 522; Aug. 3, 1935, ch. 431, § 1, 49 Stat. 513).

Section consolidates sections 571, 572, and 578 of title 28, U.S.C., 1940 ed.

The phrase "\$20 on trial or final hearing in civil, criminal, or admiralty cases" was substituted for the following provisions of section 572 of title 28, U.S.C., 1940 ed., "On trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of \$20", and the limitation of \$10 in "cases at law when judgment is rendered without a jury" was omitted. This simplified restatement provides for a single docket fee in each case which reaches final hearing or trial. Since the docket fee is arbitrary, any limitation or distinction between law cases tried with or without a jury is unrealistic.

Word "solicitor" was omitted as obsolete and inapplicable in civil, criminal, or admiralty practice.

Words "motion for judgment" were substituted for "scire facias" to conform to Rules 2 and 81 of the Federal Rules of Civil Procedure.

Changes were made in phraseology.

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2687, as amended by Pub. L. 98-166, title II, § 200, Nov. 28, 1983, 97 Stat. 1081; Pub. L. 98-353, title III, § 323, July 10, 1984, 98 Stat. 358; Pub. L. 99-429, Sept. 30, 1986, 100 Stat. 985; Pub. L. 99-500, § 101(b) [title II, § 200], Oct. 18,

1986, 100 Stat. 1783-39, 1783-45, and Pub. L. 99-591, § 101(b) [title II, § 200], Oct. 30, 1986, 100 Stat. 3341-39, 3341-45; Pub. L. 99-554, title III, § 307(a), Oct. 27, 1986, 100 Stat. 3125, which provided for the deletion of any references to United States Trustees in this title at a prospective date, was repealed by Pub. L. 99-554, title III, § 307(b), Oct. 27, 1986, 100 Stat. 3125.

#### AMENDMENTS

1978—Subsec. (b). Pub. L. 95-598 inserted "and United States trustees" after "United States attorneys".

1954—Subsec. (a). Act June 18, 1954, inserted in first item "including a default judgment whether entered by the court or by the clerk" after "final hearing".

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

#### FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Appendix to this title.

Application of, see rule 81.

Depositions, see rules 26 to 32.

#### FEDERAL RULES OF CRIMINAL PROCEDURE

Depositions, see rule 15, Title 18, Appendix, Crimes and Criminal Procedure.

#### CROSS REFERENCES

Taxation of costs—

Admiralty cases, see section 1925 of this title.

Criminal cases, see section 1918 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1920 of this title.

### § 1924. Verification of bill of costs

Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

(June 25, 1948, ch. 646, 62 Stat. 957.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 831 (R.S. § 984; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

Section as revised conforms to existing Federal Practice. See note to subdivision (d) of Rule 54 of the Federal Rules of Civil Procedure. For discussion as to verification of bill of costs under existing practice, see—8 Hughes, *Federal Practice, Jurisdiction and Procedure—Civil and Criminal*, § 6441.

Words "or allowed by the General Accounting Office" were omitted as unnecessary. That office will not allow items in a tax bill for costs against the United States unless such bill has been taxed by the court, and the court, under this section, cannot tax as costs items in an unverified bill.

Changes were made in phraseology.

### § 1925. Admiralty and maritime cases

Except as otherwise provided by Act of Congress, the allowance and taxation of costs in ad-

miralty and maritime cases shall be prescribed by rules promulgated by the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 957.)

#### HISTORICAL AND REVISION NOTES

This section was drafted to make possible the promulgation of comprehensive and uniform rules governing costs in admiralty. Various enactments of Congress, all over 100 years old, relate to particular features of such matter, but do not set forth any comprehensive and uniform procedure. See, for example, sections 818, 826, and 827 of title 28, U.S.C., 1940 ed.

#### FEDERAL RULES OF CIVIL PROCEDURE

Fees and costs in admiralty proceedings, see Rules 41, 43, 54 and Rules C and E, Appendix to this title.

### § 1926. Court of Federal Claims

(a) The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected in the United States Court of Federal Claims.

(b) The court and its officers shall collect only such fees and costs as the Judicial Conference prescribes. The court may require advance payment of fees by rule.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 97-164, title I, § 139(p)(1), Apr. 2, 1982, 96 Stat. 44; Pub. L. 102-572, title IX, § 902(b), Oct. 29, 1992, 106 Stat. 4516.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 304 (Mar. 3, 1911, ch. 231, § 191, 36 Stat. 1144).

For distribution of other provisions of section 304 of title 28, U.S.C., 1940 ed., see Distribution Table.

Changes were made in phraseology.

#### AMENDMENTS

1992—Pub. L. 102-572 substituted “Court of Federal Claims” for “Claims Court” as section catchline and “United States Court of Federal Claims” for “United States Claims Court” in subsec. (a).

1982—Pub. L. 97-164 substituted “Claims Court” for “Court of Customs and Patent Appeals” as section catchline and, in text substituted provisions directing the Judicial Conference of the United States to prescribe from time to time the fees and costs to be charged and collected in the United States Claims Court and directing the court and its officers to collect only such fees and costs as the Judicial Conference prescribes, with the court authorized to require advance payment of fees by rule for provisions which had directed that fees and costs in the Court of Customs and Patent Appeals be fixed by a table of fees adopted by such court and approved by the Supreme Court, that the fees and costs so fixed not exceed the fees and costs charged in the Supreme Court, and that the fees be accounted for and paid over to the Treasury.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

#### COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to information available through automatic data processing equipment and fees to be deposited in Judiciary Auto-

mation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

#### UNITED STATES COURT OF FEDERAL CLAIMS FEE SCHEDULE

(Effective December 1, 1998)

Following are fees to be charged for services to be performed by the clerk of the United States Court of Federal Claims. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 8, and 9. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

(1) For filing a civil action or proceeding, \$120.

(2) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (a) original documents; or (b) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

(3) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$5. For exemplification of any document or paper, twice the amount of the charge for certification.

(4) For admission of attorneys to practice, \$20 each, including a certificate of admission. For a duplicate certificate of admission or certificate of good standing, \$5.

(5) For receipt of a monthly listing of court orders and opinions, \$10 per year.

(6) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.

(7) For a check paid into the court which is returned for lack of funds, \$25.

(8) For usage of electronic access to court data, 60 cents per minute of usage [provided the court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Automation Fund. This fee shall apply to the United States. (The Judicial Conference has approved an advisory note clarifying the judiciary's policy with respect to exemptions from this fee.)

(9) For every search of the records of the Court of Federal Claims conducted by the clerk of the court or a deputy clerk, \$15 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

### § 1927. Counsel's liability for excessive costs

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 96-349, § 3, Sept. 12, 1980, 94 Stat. 1156.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 829 (R.S. § 982).

Word “personally” was inserted upon authority of *Motion Picture Patents Co. v. Steiner et al.*, 1912, 201 F. 63, 119 C.C.A. 401. Reference to “proctor” was omitted as covered by the revised section.

See definition of “court of the United States” in section 451 of this title.

Changes were made in phraseology.

#### AMENDMENTS

1980—Pub. L. 96-349 substituted judicial authorization to require attorneys to satisfy excess costs, expenses, and attorneys’ fees reasonably incurred because of multiplication of proceedings for such prior authority to impose liability for increased costs based on multiplication of proceedings.

#### FEDERAL RULES OF CIVIL PROCEDURE

Costs, see rules 11 and 54, Appendix to this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2503 of this title; title 19 section 1516a.

### § 1928. Patent infringement action; disclaimer not filed

Whenever a judgment is rendered for the plaintiff in any patent infringement action involving a part of a patent and it appears that the patentee, in his specifications, claimed to be, but was not, the original and first inventor or discoverer of any material or substantial part of the thing patented, no costs shall be included in such judgment, unless the proper disclaimer has been filed in the Patent Office prior to the commencement of the action.

(June 25, 1948, ch. 646, 62 Stat. 957.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 821 (R.S. § 973).

Word “action” was substituted for “any suit at law or in equity” to conform with Rule 2 of the Federal Rules of Civil Procedure.

Words “or decree” were omitted after “judgment,” because a judgment under Rule 54(a) of the Federal Rules of Civil Procedure by definition includes a decree.

Changes were made in phraseology.

#### CHANGE OF NAME

Patent Office redesignated Patent and Trademark Office, by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

#### FEDERAL RULES OF CIVIL PROCEDURE

Costs, see rule 54, Appendix to this title.

#### CROSS REFERENCES

Costs where disclaimer not filed in patent infringement action, see section 288 of Title 35, Patents.

### § 1929. Extraordinary expenses not expressly authorized

Where the ministerial officers of the United States incur extraordinary expense in executing Acts of Congress, the payment of which is not specifically provided for, the Attorney General may allow the payment thereof.

(June 25, 1948, ch. 646, 62 Stat. 957.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 577 (R.S. § 846; Feb. 18, 1875, ch. 80, § 1, Stat. 318; May 28, 1896, ch. 252, § 13, 29 Stat. 183; May 27, 1908, ch. 200, § 1, 35 Stat. 375; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Feb. 26, 1919, ch. 49, § 7, 40 Stat. 1182; Oct. 13, 1941, ch. 431, § 1, 55 Stat. 736).

Provision for payment of expenses under section 577 of title 28, U.S.C., 1940 ed., from appropriations for ex-

penses of the judiciary was omitted as unnecessary. Such expenses are carried in the Judiciary Appropriation Acts and will continue without this provision.

The first sentence of said section 577 is incorporated in section 551 of this title.

The qualifying phrase “under the special taxation of the district court in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary,” was omitted, and the functions of allowing extraordinary expenses was vested in the Attorney General instead of the President. Neither the President nor the district judge should be burdened with such duty since the Attorney General only has the information upon which to act.

Changes were made in phraseology.

### § 1930. Bankruptcy fees

(a) Notwithstanding section 1915 of this title, the parties commencing a case under title 11 shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, the following filing fees:

(1) For a case commenced under chapter 7 or 13 of title 11, \$130.

(2) For a case commenced under chapter 9 of title 11, \$300.

(3) For a case commenced under chapter 11 of title 11 that does not concern a railroad, as defined in section 101 of title 11, \$800.

(4) For a case commenced under chapter 11 of title 11 concerning a railroad, as so defined, \$1,000.

(5) For a case commenced under chapter 12 of title 11, \$200.

(6) In addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until the case is converted or dismissed, whichever occurs first. The fee shall be \$250 for each quarter in which disbursements total less than \$15,000; \$500 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.

An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments. For converting, on request of the debtor, a case under chapter 7, or 13 of title 11, to a case under chapter 11 of title 11, the debtor shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been

certified pursuant to section 156(b) of this title, a fee of \$400.

(b) The Judicial Conference of the United States may prescribe additional fees in cases under title 11 of the same kind as the Judicial Conference prescribes under section 1914(b) of this title.

(c) Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or a writ of certiorari \$5 shall be paid to the clerk of the court, by the appellant or petitioner.

(d) Whenever any case or proceeding is dismissed in any bankruptcy court for want of jurisdiction, such court may order the payment of just costs.

(e) The clerk of the court may collect only the fees prescribed under this section.

(Added Pub. L. 95-598, title II, §246(a), Nov. 6, 1978, 92 Stat. 2671; amended Pub. L. 98-353, title I, §111(a), (b), July 10, 1984, 98 Stat. 342; Pub. L. 99-500, §101(b) [title IV, §407(b)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(b)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; Pub. L. 99-554, title I, §§117, 144(f), Oct. 27, 1986, 100 Stat. 3095, 3097; Pub. L. 101-162, title IV, §406(a), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102-140, title I, §111(a), Oct. 28, 1991, 105 Stat. 795; Pub. L. 103-121, title I, §111(a)(1), (b)(1), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 104-208, div. A, title I, §101(a) [title I, §109(a)], Sept. 30, 1996, 110 Stat. 3009, 3009-18.)

#### CODIFICATION

Amendment by Pub. L. 104-91 is based on section 111(a) of H.R. 2076, One Hundred Fourth Congress, as passed by House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104-91.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

#### AMENDMENTS

1996—Subsec. (a)(3). Pub. L. 104-208 inserted a dollar sign before “800”.

Subsec. (a)(6). Pub. L. 104-208 substituted “\$500 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.” for “\$500 for each quarter in which disbursements total \$15,000 or more but less than \$150,000; \$1,250 or each quarter in which disbursements total \$150,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$3,000,000; \$5,000 for each quarter in which disbursements total \$3,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.”

Pub. L. 104-91, as amended by Pub. L. 104-99, struck out “a plan is confirmed or” before “the case is converted”.

1993—Subsec. (a)(1). Pub. L. 103-121, §111(a)(1), substituted “\$130” for “\$120”.

Subsec. (a)(3). Pub. L. 103-81, §111(b)(1), substituted “800” for “\$600”.

1991—Subsec. (a)(3). Pub. L. 102-140, §111(a)(1), substituted “\$600” for “\$500”.

Subsec. (a)(6). Pub. L. 102-140, §111(a)(2), substituted “\$250” for “\$150”, “\$500” for “\$300”, “\$1,250” for “\$750”, “\$3,750” for “\$2,250”, and “\$5,000” for “\$3,000”.

1989—Subsec. (a)(1). Pub. L. 101-162 substituted “\$120” for “\$90”.

1986—Subsec. (a). Pub. L. 99-554, §§117(5), 144(f), in introductory and closing provisions, substituted “of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title” for “of the court”, and in closing provisions, inserted provision that for conversion, on request of the debtor, of a case under chapter 7 or 13 of title 11, to a case under chapter 11 of title 11, the debtor pay to the clerk of the court a fee of \$400.

Subsec. (a)(1). Pub. L. 99-500 and Pub. L. 99-591, Pub. L. 99-554, §117(1), amended par. (1) identically substituting “\$90” for “\$60”.

Subsec. (a)(3). Pub. L. 99-554, §117(2), substituted “\$500” for “\$200”.

Subsec. (a)(4). Pub. L. 99-554, §117(3), substituted “\$1,000” for “\$500”.

Subsec. (a)(5), (6). Pub. L. 99-554, §117(4), added pars. (5) and (6).

1984—Pub. L. 98-353, §111(b), substituted “fees” for “courts” in section catchline.

Subsecs. (a), (c), (e). Pub. L. 98-353, §111(a), substituted “clerk of the court” for “clerk of the bankruptcy court”.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Section 111(a) of Pub. L. 103-121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

Section 111(b) of Pub. L. 103-121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 111 of Pub. L. 102-140 provided that the amendment made by that section is effective 60 days after Oct. 28, 1991.

#### EFFECTIVE DATE OF 1989 AMENDMENT; MISCELLANEOUS FEES

Section 406(a) of Pub. L. 101-162 provided that: “Section 1930(a)(1) of title 28, United States Code, is amended by striking out ‘\$90’ and inserting in lieu thereof ‘\$120’. Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of \$60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to compel abandonment of property of the estate. The fees established pursuant to the preceding two sentences shall take effect 30 days after the enactment of this Act [Nov. 21, 1989].”

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, with effective date and applicability of enactment of subsec. (a)(6) of this section by section 117(4) of Pub. L. 99-554 dependent upon the judicial district involved, see section 302(a), (d), (e) of Pub. L. 99-554, set out as a note under section 581 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-353 effective July 10, 1984, see section 122(a) of Pub. L. 98-353, set out as an Effective Date note under section 151 of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

## ACCRUAL AND PAYMENT OF QUARTERLY FEES IN CHAPTER 11 CASES AFTER JAN. 27, 1996; CONFIRMATION STATUS OF PLANS

Section 101(a) of Pub. L. 104-91, as amended by Pub. L. 104-208, div. A, title I, § 101(a) [title I, § 109(d)], Sept. 30, 1996, 110 Stat. 3009, 3009-19, provided in part: "That, notwithstanding any other provision of law, the fees under 28 U.S.C. 1930(a)(6) shall accrue and be payable from and after January 27, 1996, in all cases (including, without limitation, any cases pending as of that date), regardless of confirmation status of their plans".

## REPORT ON BANKRUPTCY FEES

Section 111(d) of Pub. L. 103-121 provided that:

"(1) REPORT REQUIRED.—Not later than March 31, 1998, the Judicial Conference of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report relating to the bankruptcy fee system and the impact of such system on various participants in bankruptcy cases.

"(2) CONTENTS OF REPORT.—Such report shall include—

"(A)(i) an estimate of the costs and benefits that would result from waiving bankruptcy fees payable by debtors who are individuals, and

"(ii) recommendations regarding various revenue sources to offset the net cost of waiving such fees; and

"(B)(i) an evaluation of the effects that would result in cases under chapters 11 and 13 of title 11, United States Code, from using a graduated bankruptcy fee system based on assets, liabilities, or both of the debtor, and

"(ii) recommendations regarding various methods to implement such a graduated bankruptcy fee system.

"(3) WAIVER OF FEES IN SELECTED DISTRICTS.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out in not more than six judicial districts, throughout the 3-year period beginning on October 1, 1994, a program under which fees payable under section 1930 of title 28, United States Code, may be waived in cases under chapter 7 of title 11, United States Code, for debtors who are individuals unable to pay such fees in installments.

"(4) STUDY OF GRADUATED FEE SYSTEM.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out, in not fewer than six judicial districts, a study to estimate the results that would occur in cases under chapters 11 and 13 of title 11, United States Code, if filing fees payable under section 1930 of title 28, United States Code, were paid on a graduated scale based on assets, liabilities, or both of the debtor."

## COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to information available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

## ISSUANCE OF NOTICES TO CREDITORS AND OTHER INTERESTED PARTIES

Section 403 of Pub. L. 101-162 provided that: "Notwithstanding any other provision of law, for fiscal year 1990 and hereafter, (a) The Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. (b) The Adminis-

trative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. (c) The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives."

## COLLECTION AND DISPOSITION OF FEES IN BANKRUPTCY CASES

Section 404(a) of Pub. L. 101-162 provided that: "For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the 'Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses' appropriation to be used for salaries and other expenses incurred in providing these services."

## BANKRUPTCY COURT MISCELLANEOUS FEE SCHEDULE

(Effective January 1, 1998)

Following are fees to be charged for services to be performed by clerks of the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 5, and 23, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

(1) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

(2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$.50. For exemplification of any document or paper, twice the amount of the charge for certification.

(3) For reproduction of magnetic tape recordings, either cassette or reel-to-reel, \$15 including the cost of materials.

(4) For amendments to a debtor's schedules of creditors or lists of creditors, \$20 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case.

(5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$15 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

(6) For filing a complaint, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

(7) For filing or indexing any paper not in a case or proceeding for which a filing fee has been paid, including registering a judgment from another district, \$20.

(8) In all cases filed under Title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$30. This fee may be paid in in-

installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.

(8.1) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).

(8.2) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of [the] court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.

(9) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.

(10) Repealed.

(11) Repealed.

(12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$3.

(13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$25.

(14) For a check paid into the court which is returned for lack of funds, \$25.

(15) Repealed.

(16) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b), the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee.

(17) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304, \$500.

(18) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.

(19) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

(20) When a joint case filed under § 302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to one-half the current filing fee for the chapter under which the joint case was commenced.

(21) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), a fee shall be collected in the amount of one-half the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

(22) For docketing a cross appeal from a bankruptcy court determination, the fee shall be the same amount

as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule.

(23) For usage of electronic access to court data, 60 cents per minute of usage [provided the court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Information Technology Fund. This fee shall apply to the United States. (The Judicial Conference has approved an advisory note clarifying the judiciary's policy with respect to exemptions from this fee.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 589a of this title; title 11 sections 104, 1129.

### § 1931. Disposition of filing fees

(a) Of the amounts paid to the clerk of court as a fee under section 1914(a) or as part of a judgment for costs under section 2412(a)(2) of this title, \$90 shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States.

(b) If the court authorizes a fee under section 1914(a) or an amount included in a judgment for costs under section 2412(a)(2) of this title of less than \$150, the entire fee or amount, up to \$90, shall be deposited into the special fund provided in this section.

(Added Pub. L. 99-500, § 101(b) [title IV, § 407(c)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, § 101(b) [title IV, § 407(c)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; amended Pub. L. 101-162, title IV, § 406(d), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102-572, title III, § 301(b), Oct. 29, 1992, 106 Stat. 4511; Pub. L. 104-317, title IV, § 401(b), Oct. 19, 1996, 110 Stat. 3853.)

#### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-317, § 401(b)(1), substituted “\$90” for “\$60”.

Subsec. (b). Pub. L. 104-317, § 401(b)(2), substituted “\$150” for “\$120” and “\$90” for “\$60”.

1992—Pub. L. 102-572 substituted present provisions for former provisions which read as follows:

“The following portion of moneys paid to the clerk of court as filing fees under this chapter shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States:

“Under section 1914(a), \$60.”

1989—Pub. L. 101-162, which directed that “as provided in annual appropriation acts” be struck out before colon, was executed by striking out “as provided in annual appropriation Acts” before colon as probable intent of Congress.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-317 effective 60 days after Oct. 19, 1996, see section 401(c) of Pub. L. 104-317, set out as a note under section 1914 of this title.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

#### DISPOSITION OF FEES

Section 404 of Pub. L. 104-317 provided that:

“(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, \$30 of that portion of the fee exceeding \$20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding \$5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

“(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding \$120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

“(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act [Oct. 19, 1996].”

#### COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES

Section 406(b) of Pub. L. 101-162, as amended by Pub. L. 103-121, title I, §111(a)(3), (b)(4), Oct. 27, 1993, 107 Stat. 1164, provided that: “All fees as shall be hereafter collected for any service enumerated after item 18 of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and other Judicial Services and the Administrative Office of the United States Courts. The Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.”

[Section 111(a), (b) of Pub. L. 103-121 provided in part that the amendments to section 406(b) of Pub. L. 101-162, set out above, are effective 30 days after Oct. 27, 1993.]

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 604, 1827 of this title.

### § 1932.<sup>1</sup> Judicial Panel on Multidistrict Litigation

The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.

(Added Pub. L. 104-317, title IV, §403(a)(1), Oct. 19, 1996, 110 Stat. 3854.)

### § 1932.<sup>1</sup> Revocation of earned release credit

In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under

section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

- (1) the claim was filed for a malicious purpose;
- (2) the claim was filed solely to harass the party against which it was filed; or
- (3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.

(Added Pub. L. 104-134, title I, §101[(a)] [title VIII, §809(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-76; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

## CHAPTER 125—PENDING ACTIONS AND JUDGMENTS

Sec.	Interest.
1961.	Lien.
1962.	
1963.	Registration of judgments for enforcement in other districts.
[1963A.	Repealed.]
1964.	Constructive notice of pending actions.

#### AMENDMENTS

1996—Pub. L. 104-317, title II, §203(b), Oct. 19, 1996, 110 Stat. 3850, substituted “for enforcement in other districts” for “of the district courts and the Court of International Trade” in item 1963.

1988—Pub. L. 100-702, title X, §1002(b)(3), Nov. 19, 1988, 102 Stat. 4664, substituted “Registration of judgments of the district courts and the Court of International Trade” for “Registration in other districts” in item 1963 and repealed item 1963A “Registration of judgments of the Court of International Trade”.

1980—Pub. L. 96-417, title V, §511(b), Oct. 10, 1980, 94 Stat. 1743, added item 1963A.

1958—Pub. L. 85-689, §1(b), (c), Aug. 20, 1958, 72 Stat. 683, substituted “CHAPTER 125—PENDING ACTIONS AND JUDGMENTS” for “CHAPTER 125—JUDGMENTS” in chapter heading and added item 1964.

#### FEDERAL RULES OF CIVIL PROCEDURE

Judgments, see rules 54 to 58, Appendix to this title.

#### CROSS REFERENCES

Declaratory judgments, see sections 2201 and 2202 of this title.

### § 1961. Interest

(a) Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges.

(b) Interest shall be computed daily to the date of payment except as provided in section 2516(b) of this title and section 1304(b) of title 31, and shall be compounded annually.

<sup>1</sup> Another section 1932 is set out after this section.

<sup>1</sup> Another section 1932 is set out preceding this section.